

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION

IN RE

MARLON PERRY

CHAPTER 13

DEBTOR

CASE NO. 14-44817

JUDGE: Nancy Hershey Lord

OBJECTION TO CONFIRMATION

Michael J. Chatwin, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with Shapiro, DiCaro & Barak, LLC, attorney for Wells Fargo Bank, N.A. dba America's Servicing Company as Servicer for U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Mortgage Loan Trust 2007-8XS, and am familiar with the facts and circumstances surrounding this matter.

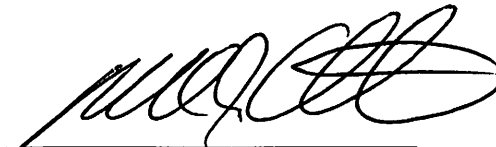
2. U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Morgan Stanley Mortgage Loan Trust 2007-8XS, holds a mortgage on the Debtor's real property known as 1209 East 93rd Street, Brooklyn, NY 11236 (the "Property").

3. America's Servicing Company has filed a Proof of Claim for pre-petition mortgage arrears in the approximate amount of \$43,826.68, which was filed with the Court on November 19, 2014. Debtor's proposed Amended Chapter 13 Plan lists arrears in the amount of \$38,387.00 and makes no provision for full payment of the mortgage arrears in violation of Bankruptcy Code Section 1325(a)(5)(B)(ii).

4. We request that our objection will stand pending completed satisfactory resolution of Loss Mitigation via completed Loan Modification and/or case termination.

WHEREFORE, the undersigned respectfully requests the Debtor to amend their Chapter 13 Plan to reflect the proper mortgage arrears as specified earlier or, in the absence of an amendment to the plan, the undersigned respectfully requests an Order of this Court denying confirmation of Debtor's Chapter 13 Plan pursuant to Bankruptcy Code Section 1325 and such other and further relief as may be just and proper.

Dated: November 19, 2014

A handwritten signature in black ink, appearing to read 'Michael J. Chatwin', written over a horizontal line.

Michael J. Chatwin
Bankruptcy Attorney
Shapiro, DiCaro & Barak, LLC
Attorneys for Wells Fargo Bank, N.A. dba America's
Servicing Company as Servicer for U.S. Bank
National Association, as Trustee, successor in interest
to Bank of America, National Association, as Trustee,
successor by merger to LaSalle Bank National
Association, as Trustee for Morgan Stanley Mortgage
Loan Trust 2007-8XS
175 Mile Crossing Boulevard
Rochester, NY 14624
Telephone: (585) 247-9000
Fax: (585) 247-7380